

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CHRISTOPHER R. DESMOND

PETITIONER,

v.

Civil Action No. 14-1365 LPS

SUPERIOR COURT OF DELAWARE, Attorney, et al,
GENERAL OF THE STATE OF DELAWARE

DEFENDANTS

MOTION FOR EXPANSION OF THE RECORD

PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE RULE 7

Petitioner hereby respectfully moves the Honorable Court pursuant to FED. RULES OF CIV. PROC. RULE 7 for an expansion of the record. Petitioner asks the court pursuant to Superior Court in the State of Delaware Criminal CASE MANAGEMENT PLAN and/or criminal administrative order effective JAN 16, 1991 § 10 (CASE REVIEW) Paragraph (b) duties of counsel. (Prior to case review, the prosecuting attorney shall, if reasonably possible, notify and discuss any proposed plea agreement with the victim pursuant to 11 DEL.C. § 5106. Any plea agreement offer by the State should be communicated to defense counsel in advance of case review, and defense counsel should discuss the offer with the client prior to case review. At case review, prosecuting and defense attorneys assigned to try each case shall be present unless excused by the court. If an assigned attorney is excused, counsel handling case review should be familiar with the case and have decision-making authority. Upon the request of the defendant, the Court will permit a change of plea.")

Citing the Delaware Superior Court Criminal Case Management Plan § 10 Paragraph (b) Petitioner moves the Court to expand the record to include the following:

- (1) Transcript pursuant to Del. Superior Court Criminal Case Management Plan § 10 Paragraph (b) of any court proceedings relating to counsel, and/or the State before Superior Court Judge along with Petitioner Christopher R. Desmond on or before JAN 15, 1992 where Desmond pursuant to court rule rejected the 20 year plea.
- (2) Affidavit from any counsel or attorney appointed and/or retained on behalf of Desmond on JAN 15, 1992 stating under penalty of perjury that he or she represented Desmond and obtained a signed waiver of Desmond rejecting the 20 year plea offered by the state.

CONCLUSION

WHEREFORE, Petitioner respectfully moves the court for an expansion of the record to include the above for the court to perform a miscarriage of justice Review.

CC. GREGORY E. SMITH

Deputy Attorney General

820 N. FRENCH ST

Wilmington, Delaware 19801

Dated: _____

9/19/17

Christopher R. DESMOND

James T. Vaughn Correctional Center
1181 Paddock Road
Smyrna, DE 19977